CLOSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

United States of America

v.

Jesus Garcia-Torres

Citizen of Mexico

USM#: 63981208 DOB: 1973

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. 07-10662-001M-SD

Juan Rocha (AFPD)
Attorney for Defendant

ICE#: A77 975 557

THE DEFENDANT ENTERED A PLEA OF guilty on 10/16/2007 to Count THREE of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count THREE of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED FIFTY (150) DAYS on Count THREE, with credit for time served.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: $Remitted **FINE:** $ **RESTITUTION:** $

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than $25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of $Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count THREE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Tuesday, October 16, 2007**

______________________________ Date 10/16/2007

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows:______________________________

Defendant delivered on __________ to ______________________ at ______________________, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

______________________________ By:______________________________

United States Marshal Deputy Marshal

07-10662-001M-SD -

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

MAGISTRATE JUDGE'S MINUTES

DATE: 10/16/2007 CASE NUMBER: 07-10662-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Jesus Garcia-Torres

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney ______________ INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Juan Rocha (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 10/14/07 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at $__________
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset
Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed ______________ ☐ Complaint filed ______________
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts THREE
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) THREE of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because ______________
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to __ before ______________
☒ To be dismissed upon entry of the judgment, Ct(s) ONE/TWO
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☒ Defendant committed to Bureau of Prisons for a period of 150 Days ☐ Probation/Supervised Release for __________
☒ Special Assessment $ REMITTED ☐ Fine $_______ ☐ Restitution $________

Other: ______________

RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Jesus GARCIA-Torres
Citizen of Mexico
YOB: 1973
A77 975 557
Illegal Alien

AMENDED
CRIMINAL COMPLAINT

CASE NUMBER: 07-10662M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about August 29, 2007, Defendant Jesus GARCIA-Torres was arrested and removed from the United States to Mexico through the port of San Ysidro, California, in pursuance of law, and thereafter on or about October 14, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about October 14, 2007, within the Southern District of California, Defendant Jesus GARCIA-Torres, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on May 23, 2007 (Felony).

COUNT III

That on or about October 14, 2007, within the Southern District of California, Defendant Jesus GARCIA-Torres, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Signature of Complainant
Nicholas Kingston
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

October 16, 2007 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Jesus GARCIA-Torres

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through San Ysidro, California on August 29, 2007.

CRIMINAL HISTORY:

DATE/LOCATION		OFFENSE	DISPOSITION
10/24/97	Los Angeles, CA	Force/ ADW not Firearm	Unknown
12/02/98	Los Angeles, CA	Spousal Abuse	Probation
04/18/00	Los Angeles, CA	Spousal Abuse	Probation Reinstated
07/12/01	Los Angeles, CA	DUI/ Alcohol Drugs	Unknown
10/21/01	Los Angeles, CA	Receive/ ETC Stolen Property Vehicle Theft	Unknown
12/19/01	Los Angeles, CA	Vehicle Theft/ Possession of Stolen Vehicle	FELONY 16 months Prison
10/23/01	Los Angeles, CA	Receive Known Stolen Property	Unknown
02/02/03	Los Angeles, CA	DUI/ Alcohol Drugs	60 Months Probation
11/30/03	Los Angeles, CA	DUI/ Alcohol Drugs Possession of Stolen Vehicle	Unknown
01/13/04	Los Angeles, CA	DUI/ Alcohol Drugs Possession of Stolen Vehicle	Unknown
07/01/06	Los Angeles, CA	DUI/ Alcohol Drugs	Unknown
05/10/07	Los Angeles, CA	DUI/ Alcohol Drugs	Unknown
05/23/07	Yuma, AZ	8 USC 1325 (EWI) Misdemeanor	100 Days Jail

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on October 14, 2007.

Charges:

8 USC§1326	(Felony)
8 USC§1325	(Felony)
8 USC§1325	(Misdemeanor)

U.S. v. Jesus Garcia-Torres

Signature of Complainant

Sworn to before me and subscribed in my presence,

October 16, 2007

Date

Signature of Judicial Officer

10/14

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Jesus GARCIA-Torres
Citizen of Mexico
YOB: 1973
A77 975 557
Illegal Alien

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COUNT II

That on or about October 14, 2007, within the Southern District of California, Defendant Jesus GARCIA-Torres, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on (Felony).

COUNT III II

That on or about October 14, 2007, within the Southern District of California, Defendant Jesus GARCIA-Torres, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Signature of Complainant
Nicholas Kingston
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

October 16, 2007 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

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Defendant: Jesus GARCIA-Torres

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through San Ysidro, California on August 29, 2007.

CRIMINAL HISTORY:

DATE/LOCATION		**OFFENSE**	**DISPOSITION**
10/24/97	Los Angeles, CA	Force/ADW not Firearm	Unknown
12/02/98	Los Angeles, CA	Inflict Corporal INJ. Spouse	Probation
04/18/00	Los Angeles, CA	Inflict Corporal INJ. Spouse	Probation Reinstated
07/12/01	Los Angeles, CA	DUI/Alcohol Drugs	Unknown
10/21/01	Los Angeles, CA	Receive/ETC Stolen Property Vehicle Theft	Unknown
12/19/01	Los Angeles, CA	Vehicle Theft Possession of Stolen Vehicle	FELONY/ 16 Months Prison
10/23/01	Los Angeles, CA	Receive Known Stolen Property	Unknown
02/02/03	Los Angeles, CA	DUI/Alcohol Drugs	60 Months Probation 20 Days in Jail
11/30/03	Los Angeles, CA	DUI/Alcohol Drugs Possession of Stolen Vehicle	Unknown
01/13/04	Los Angeles, CA	DUI/Alcohol Drugs Possession of Stolen Vehicle	Unknown
07/01/06	Los Angeles, CA	DUI/Alcohol Drugs	Unknown
05/10/07	Los Angeles, CA	DUI/Alcohol Drugs	Unknown

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	8 USC§1325	(Misdemeanor)

Signature of Complainant

Sworn to before me and subscribed in my presence,

October 16, 2007
Date

Signature of Judicial Officer